

## 1 SENATE BILL NO. 325

2 INTRODUCED BY B. HOVEN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING WIND ENERGY EASEMENTS AND AGREEMENTS  
5 FOR NEW PROJECTS WITHIN 2 NAUTICAL MILES OF MILITARY INSTALLATIONS; AND PROVIDING AN  
6 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9

10 **NEW SECTION. Section 1. Wind energy construction near military installations.** (1) A wind  
11 easement or wind energy agreement may not be granted for new construction of facilities within 2 nautical miles  
12 of any active federal military missile launch or control facility without a prior agreement with the United States  
13 department of defense.

14 (2) For the purposes of this section, the following definitions apply:

15 (a) "Wind easement" means the right granted by the owner of real property to a wind energy  
16 developer guaranteeing the developer the right to use the real property legally described in a wind energy  
17 agreement and the wind resource located on and flowing over its surface to develop a wind energy project.

18 (b) "Wind energy agreement" means any wind energy lease or license or any other written document  
19 entered into between the owner of real property and the wind energy developer that contains the wind  
20 easement.

21

22 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
23 integral part of Title 75, chapter 26, and the provisions of Title 75, chapter 26, apply to [section 1].

24

25 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

26

27 **NEW SECTION. Section 4. Applicability.** [This act] applies to wind easements or wind energy  
28 agreements entered into on or after [the effective date of this act].

